IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4414 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3975/2007 Dated 02/07/2007
CRIME NO.61/07 OF CHENGANNUUR EXCISE RANGE

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PETITIONER : ACCUSED (IN CUSTODY):

SREEKUMAR, S/O.SUKUMARAN, AGED 30 YEARS,
NEDUMCHALIL, ENNACKADU MURI, ENNACKADU VILLAGE,
CHENGANNUR.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P. RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4414 of 2007

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Dated this the 20th day of July, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The crux of the allegations is that the petitioner was found to be in possession of 1155 litres of wash. He surrendered on 12.6.2007. He continues in custody from that date. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner may now be enlarged on bail, submits the counsel.

2. The learned Prosecutor opposes the application. In the wake of the opposition by the Public Prosecutor bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I am unable to entertain either of those satisfactions. The prayer for bail must in these circumstances fail.

4. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move

the courts for bail again at a later stage of the investigation, not at any rate, prior to 3.8.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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